

### **REMARKS**

These amendments and remarks are in response to the Office Action dated November 19, 2009. This amendment is timely filed.

At the time of the Office Action, claims 1-29 were pending in the application. In the Office Action, claim 1 was rejected under 35 U.S.C. §112, second paragraph. Claims 1-21, 25, and 29 were rejected under 35 U.S.C. §103(a). The rejections are discussed in more detail below.

#### **I. Rejection under 35 U.S.C. §112**

Claim 1 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the term "substantially" was objected to as being vague and indefinite, and the Office Action alleged that "[a]n artisan doing measuring and testing would not know at what point 'substantially' within the scope of the claim had been accomplished because nothing within the disclosure establishes when a sufficient 'substantially'." This rejection is traversed by Applicant. The only usage of "substantially" in claim 1 is in relation to the measurement object, and not to any method steps. The measurement object is defined as being "substantially rotationally symmetrical" which is clear to a person of ordinary skill in the art. In connection with vehicle wheels, for example, it is clear that a wheel is substantially rotationally symmetrical in that it is rotationally symmetrical overall, but it can have small variations in this symmetry due to manufacturing tolerances, and could also have larger variations due to design features/issues. Applicant requests that this rejection be withdrawn.

#### **II. Rejections of the claims based on cited art**

Claims 1-7, 9, 11-15 and 17-21 are rejected under 35 U.S.C. §103(a) as being anticipated by U.S. Patent No. 4,721,388 to Takagi et al. ("*Takagi*") in view of U.S. Patent No. 6,954,557 to Kim et al. ("*Kim*"). Claims 25 and 29 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Takagi* and *Kim* in view of U.S. Patent No. 5,793,492 to Vanaki. Claims 8 and 16 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Takagi* and *Kim* in view of U.S. Patent Publication No. 2006/0158663 to Martinschledde et al. Claim 10 is rejected under 35 U.S.C.

§103(a) as being unpatentable over *Takagi* and *Kim* in view of U.S. Patent Publication No. 2003/0038948 to Prinzhausen et al.

Applicant has further amended the claims herein. The claims now recite that the measurement object axis extends through a bore in a central hub of the measurement object. Additionally, the central hub of the object acts as a reference structure that is used for establishing the position of the measurement object and determining an object coordinate system. Such a method is clearly not taught or suggested by the prior art.

Applicant notes that in the Office Action the Examiner ignored the limitation "wherein the reference structure is positioned within the outer contour of the measurement object in the vicinity of the measurement object axis" in relation to claim 3, which is now incorporated into claim 1 by virtue of the recitation of the central hub. The Office Action indicates that this features is shown in *Takagi* but, on the contrary, *Takagi* does not show such a feature. *Takagi* determines the measurement coordinate system O-XYZ based on the vertical feed screw 9, which is a part of the measuring system itself. The object coordinate system O-xyz is determined based on the reflection of the light spot into the light spot detecting sensor 3. Thus, any "reference structure" of *Takagi* is presumably the vertical feed screw 9 or the light spot detecting sensor 3. There is no teaching or suggestion that either of these structures can be positioned within the outer contour of the measurement object.

Yet further, *Takagi* does not teach a method for measuring an object which is substantially rotationally symmetrical, and where the sensor system is rotated around the measurement object. The sensor 3 of *Takagi* is only rotated about its own axis in order to measure one side of a measurement object.

For at least the foregoing reasons, claims 1 and 11 are patentable over the cited prior art. The dependent claims are also believed to be allowable because of their dependence upon an allowable base claim, and because of the further features recited

### **III. Conclusion**

Applicant has made every effort to present claims which distinguish over the prior art, and it is thus believed that all claims are in condition for allowance. Nevertheless, Applicant invites

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Amendment

Response to Office Action dated November 19, 2009

the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. In view of the foregoing remarks, Applicant respectfully requests reconsideration and prompt allowance of the pending claims.

Respectfully submitted,

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